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SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.15 a.m.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (E/CN.4/1992/48 and Corr.1; E/CN.4/Sub.2/1991/41 and Corr.1; E/CN.4/Sub.2/1991/43)

1. Ms. ILIC (Chairman-Rapporteur of the Working Group on the rights of persons belonging to national, ethnic, religious and linguistic minorities), introducing the Working Group's report (E/CN.4/1992/48 and Corr.1), said that the text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities was based on the revised proposal made by the Government of Yugoslavia. Although progress had been slow, largely on account of unfavourable international conditions, the Working Group had finally been able to conclude its work in December 1991.
2. The proposed draft declaration contained nine operative paragraphs which included principles governing the protection and promotion of the rights of persons belonging to minorities, an enumeration of the most important of such rights, the obligations of States to create conditions for the enjoyment of such rights, the obligation for States to cooperate in questions relating to minorities, and a provision that organs of the United Nations should contribute to the full realization of the rights and principles set forth in the draft declaration, within their respective fields of competence.
3. The adoption by consensus of the draft declaration would contribute to the promotion and protection of the human rights of millions of human beings throughout the world.
4. Ms. PONTICELLI (United States of America) said that while the end of the cold war and the spread of democracy around the world were welcome events, various parts of the world were still torn by ethnic unrest, division and hate. In some countries, the extinction of totalitarianism had been followed by a rekindling of long-smouldering ethnic and national problems which could lead to conflict and even war.
5. Her Government was convinced that democracy, the rule of law, and the protection of individual human rights, such as the right to assemble peacefully and the right to free speech, were the best ways to protect all citizens, including those belonging to minorities, and to deter ethnic tensions from degenerating into violence.
6. The view that divisions in some countries were so strong that no system of law or model of government could avert violence and chaos was both defeatist and dangerous. Examples abounded of countries with multiple ethnic groups that had successfully managed rivalry and conflict by protecting individual human rights. In Switzerland, the citizens of four linguistic communities lived together in peace while, in the Caribbean, blacks and South Asians, together with other groups, were building a growing democratic tradition.

7. While ethnic conflict occurred in some democracies with a high respect for human rights, democracy offered the best chance of avoiding and controlling it. Vague and imprecise notions of group rights were not the answer. The notion of group rights was a recipe for inter-ethnic hostility and for resentment by majorities. The universal applicability of individual rights was the pathway to progress not only for members of the majority but also for minorities as well since, in any pluralistic democracy, a citizen would at some time find himself or herself in the minority on some issues.

8. As for women, their treatment as a minority was determined not by the balance of numbers but by the balance of power. In countries experiencing ethnic warfare, for example, women and children often suffered the most on account of their inferior social and economic status. Even in countries relatively free of strife, women were still combating gender stereotyping and discrimination. Working women continued to experience a lack of equal opportunity and treatment in the workplace. In the United States, the fundamental right to vote, which was not extended to women until the early twentieth century, had laid the foundation for the gains that women had since made.

9. Affirming the importance of individual human rights in protecting minorities in no way disparaged ethnic or gender affiliation. Indeed, the choice of groups to which an individual wished to belong was a fundamental component of personal freedom.

10. In promoting tolerance and harmony, each country had a role to play by promoting respect for minorities and encouraging a regard for cultural diversity. There was also a role for international organizations to play, particularly in the application of mechanisms to resolve disputes. That was why her delegation was satisfied with the current draft declaration, which correctly affirmed that it was the individual members of minorities who had rights and not the groups themselves. While certain improvements could still be made, the time was right to refer the draft declaration to the General Assembly.

11. Mr. TOTH (Hungary) said that the last decade of the twentieth century had left many parts of the world, including Europe, with a painful legacy of unresolved minority questions. The frontiers drawn on maps often did not coincide with the confines of territories inhabited by the different national, ethnic, linguistic and religious groups. While minorities of different types coexisted peacefully in numerous cases, the birth of new States had created problems which could lead to tensions, local conflicts and even civil wars.

12. The completion of the draft declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities was therefore a cause for satisfaction, even though certain current situations might have been avoided if such a declaration had existed earlier. It was regrettable that the declaration would not have binding force and that it failed to give a clear-cut definition of minorities. Its approach, however, was a completely realistic one since the problems of minorities were not uniform.

13. In his own country, a bill on the rights of national and ethnic minorities was under consideration by Parliament. Even though the Hungarian Constitution provided protection for minorities, the process of codifying their rights was not yet complete. Indeed, the question of minorities could never be considered as solved for ever nor could it be regarded as an exclusively internal affair of States. The completion of the draft declaration was therefore a message that the United Nations was henceforth willing to pay more attention to the protection of minorities.

14. His delegation agreed that the challenge of finding ways for different ethnic groups to live together peacefully was important for the achievement of peace and security, and for respect for human rights. The idea of appointing a special rapporteur on minorities therefore merited further elaboration. Also, the mandate given to Mr. Eide to prepare a report on national experiences regarding peaceful and constructive solutions to problems involving minorities was a very promising one. Consideration should be given to the inclusion of minority-related questions in the agenda of the World Conference on Human Rights. It would also be useful for the Working Group on Indigenous Populations to examine the draft declaration and consider possible means of ensuring its monitoring by minorities.

15. Mr. ERMACORA (Austria) said that, against the background of the upheavals in many parts of the world caused by inter-ethnic strife, it was very encouraging that the question of the rights of national, ethnic, religious and linguistic minorities was receiving the attention of the Commission. His delegation welcomed the unanimous adoption of the draft declaration by the Working Group and hoped that it would inspire the drafting of similar regional instruments to benefit minorities throughout the world and that it would eventually become part of international law.

16. As far back as the days of the Austro-Hungarian monarchy, constitutional provisions in his country had guaranteed and protected the fundamental rights and identities of all ethnic groups. The current laws and institutions of Austria enabled its multi-ethnic population to defend their legitimate interests effectively and exercise their rights.

17. The draft declaration was a political directive on how article 27 of the International Covenant on Civil and Political Rights should be interpreted. Since international law did not define the concept of minorities, it was for the States to develop their own concepts in that respect. International organizations, could, however, be guided by the declaration in determining whether minority issues were involved in any given situation since concern for the situation of minorities was the legitimate expression of the duty of the international community to protect and promote human rights and fundamental freedoms.

18. While the draft declaration did not contain a definition of minorities, it did contain a number of basic provisions which were applicable to all situations involving minorities. In fact, the draft declaration must be understood in the context of other rights which existed in general international law and which emanated from the prevention of genocide, the

prohibition of the expulsion of members of minorities from their homes, and the general non-discrimination clause contained in the International Convention on the Elimination of All Forms of Racial Discrimination.

19. The question of safeguards for the protection of minority rights was left open since, at the current stage of international law, only domestic legislation and political will could provide effective protection for the fundamental rights of members of minorities. On the other hand, the draft declaration did provide a clear description of the rights of persons belonging to minorities to participate in all forms of public life in their country, thereby helping to shape their own destinies and contributing to the political environment in which they lived.

20. The draft declaration had also left open a number of other problems including the relationship between self-determination and the rights of minorities, the relationship between minorities and indigenous populations, and the problems related to the creation and protection of an adequate environment in which minorities could prosper. The draft declaration made it plain in article 8.3, however, that special protective measures for minorities should not be considered as discriminatory.

21. Mr. SOTIROV (Bulgaria) said that, as a country recently embarked upon the voyage to democracy, Bulgaria sought to ensure, through both legislation and practice, the rights of persons belonging to ethnic, religious and linguistic minorities. For that reason, his Government had categorically condemned the repression and attempts at forced assimilation of Muslims and Bulgarian Turks that had been perpetrated during the last years of the totalitarian regime. Article 29 of the new Constitution explicitly prohibited forced assimilation.

22. Religious freedom had been completely restored for all religious denominations, religious literature was freely imported and disseminated, newspapers and magazines were published in Turkish and Armenian, and there were no restrictions on publications in the language of any other linguistic group. Bulgarian Turks, Gypsies, Armenians and Jews were free to pursue cultural activities. The optional study of the mother tongue had been introduced in secondary schools.

23. In a democratic society, citizens of all ethnic, religious groups had equal rights. No group should be allowed to have special privileges that could adversely affect the enjoyment by other members of society of universally recognized human rights.

24. His delegation supported the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. In view, however, of the absence of a generally accepted definition of the term "minority" and given the complex and varying situations in different countries, care must be taken to ensure that the provisions of the declaration were not open to differing interpretations.

25. Mr. THOMSON (Australia) said that his delegation was particularly concerned about the violence in Croatia, parts of Yugoslavia and Nagorno Karabakh, which had emanated from minority conflicts and had been accompanied by serious human rights violations. Human rights problems in

Sri Lanka derived in large measure from ethnic conflicts, and minority problems in Myanmar had also been accompanied by human rights abuses. In some of those cases, there was a danger that the violence might spill across borders, creating a threat to international peace and security.

26. While it was the primary responsibility of national Governments to find peaceful solutions to problems involving minorities, the assistance of the United Nations should be an option. On some occasions, the situation might be so grave that there would be a role for United Nations peacemaking, peace-keeping or election monitoring.

27. Much could be achieved by encouraging States to ratify and implement the major human rights instruments and the mechanism for individual complaints under the International Covenant on Civil and Political Rights. The United Nations human rights programme could help counter the negative attitudes which sustained hostility towards minorities.

28. A significant step in the past year had been the finalization of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities; his delegation was in favour of its adoption at the Commission's current session. It would be desirable to undertake a technical review of the draft declaration before it was submitted to the General Assembly. The declaration was valuable because it gave recognition to the rights of persons belonging to minorities to establish and maintain their own associations and to participate fully in the society and the economic development of the State.

29. His delegation welcomed the pragmatic approach adopted in the report prepared by Mr. Eide (E/CN.4/Sub.2/1991/43), a study that had assumed increased importance in view of the recent events in Eastern Europe and elsewhere and the growing concern at the re-emergence of xenophobic nationalism in those regions. In his opening address to the Commission, the Under-Secretary-General for Human Rights had suggested the establishment of a working group or the appointment of a Special Rapporteur on minorities and, in his next report, Mr. Eide might examine the benefits of such a mechanism and other options.

30. Australia was a nation with numerous immigrant and ethnic groups, and its largely immigrant and settler society was characterized by its cultural diversity. The indigenous peoples of Australia made up one per cent of the total population and constituted separate and special minorities in Australian society. The status and needs of the indigenous peoples of the world were not identical with those of most minorities and, for that reason, his delegation supported the efforts of the Working Group on Indigenous Populations aimed at drafting a universal declaration on the rights of indigenous peoples.

31. As a multicultural society, Australia was committed to respect for the fundamental dignity and rights and the full participation in society of all citizens, regardless of race, cultural background or country of origin. To that end, his Government had in, July 1989, established a national agenda for a multicultural Australia. A number of measures had been put into place

to ensure access to, and an equitable share of, public resources for immigrants and their families, the elimination of linguistic, cultural, religious and racial barriers and effective community education programmes.

32. In the view of his delegation, the will must be found to improve existing human rights mechanisms and, if necessary, to develop new procedures to ensure that where events so warranted, the international community had suitably flexible mechanisms for considering and implementing timely and appropriate responses.

33. Mr. KOOLJMAN (Netherlands) said it was tragic, indeed, that the very country that had set in motion the consideration of the draft declaration, Yugoslavia, was itself torn by violent conflicts between ethnic groups. His delegation hoped that the bloodshed there would soon come to an end and that the various ethnic groups would find a way to live together in peace and friendship.

34. In the past, emphasis on ensuring respect for the basic human rights of individuals had been considered to be sufficient to guarantee the rights of minority groups. Gradually, however, the awareness had grown that the effective protection of minorities required positive action. That was already reflected in article 2, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination and was clearly recognisable in the draft declaration under consideration.

35. As pointed out in 1935 in an opinion of the Permanent Court of International Justice on a case concerning minority schools in Albania, two requirements must be met by any system of minority protection: nationals belonging to racial, religious or linguistic minorities must be on an equal footing with the other nationals of the State, and the members of the minority must have suitable means of preserving their ethnic peculiarities, traditions and national characteristics. Those two requirements were reflected in the draft declaration, and in the view of his delegation, it therefore commended itself for adoption.

36. The setting of standards inevitably led to the issue of monitoring implementation. In his preliminary report on the protection of minorities (E/CN.4/Sub.2/1991/43), Mr. Eide had provided some useful guidelines in that regard. By collecting national data on the basis of a questionnaire transmitted to Governments, he had laid the groundwork for what promised to be a very useful data system.

37. Monitoring the implementation of standards implied the need for international mechanisms. In his opening address to the Commission at its current session, the Under-Secretary-General for human rights had referred to the possible establishment of a working group on minorities. While his delegation was willing to consider any such initiative, the difficulties involved should not be underestimated, given that minority rights did not constitute a separate body of rights and that the effectiveness of a system of minority protection was to a large extent determined by the local circumstances in each country.

38. He referred in that context to the meeting of the Ministerial Council of the Conference on Security and Cooperation in Europe (CSCE) on 30 January at Prague, at which the Netherlands Minister for Foreign Affairs had proposed the creation of a high commissioner for minorities to provide the CSCE with a much-needed early-warning capacity in an area of potential conflict and to strengthen the Conference's ability to deal with ethnic tensions. One of Mr. Eide's guidelines also dealt with the danger posed by ethnic conflict for regional and national security and stressed the importance of finding constructive domestic solutions based on consistent confidence-building efforts.

39. His delegation regretted that it had not been possible to reach an agreement on the inclusion of a provision in the draft declaration stating that the principles, rights and obligations set forth in it constituted matters of international concern. At a meeting of CSCE experts on the question of minorities, held at Geneva in July 1990, it had been established that problems regarding national minorities were not exclusively an internal affair of the State in question. As it was generally agreed that human rights were no longer a matter within the exclusive jurisdiction of a State, his delegation took the view that minority issues should also be a matter of international concern.

40. Multicultural societies should not be regarded as a threat, but as a source of mutual enrichment. The potential for conflict could be greatly reduced if members of minorities were given a full share in the benefits of the economic, social and cultural process. That was a task for national, regional and local authorities.

41. Mr. YI Ping (China) said that China was a unified multinational country composed of 56 nationalities with a total population of 1.16 billion, of which the Han nationality numbered 1.04 billion or approximately 91.96 per cent of the total. As a result of the founding of the People's Republic of China, the system of oppression of and discrimination against different nationalities had been abolished.

42. His Government had consistently maintained that all nationalities, whether large or small, were equal. Laws had been formulated and specific measures adopted to ensure equality among all the nationalities in various aspects of social life and in the exercise of their rights to participate in State affairs. Representatives from all minority nationalities had participated in the seventh National People's Congress in 1988 and had accounted for 15 per cent of the total, far exceeding the ratio of minority nationalities to the national population as a whole. The same was true with regard to people's congresses at various levels. There were leaders from the minority nationalities in various departments of the central Government.

43. In the area of vocational training and employment, special care had been given to minority nationalities in order to provide them with more employment opportunities.

44. China had consistently accorded equal importance to the languages of all nationalities and upheld the right of citizens to use their own language. The State respected the customs of minority nationalities and made a special effort to ensure the production and supply of the goods essential to their exclusive needs.

45. Under the policy of regional national autonomy, the minority nationalities were entitled to set up self-government organs in areas where they lived in concentrated communities and exercise their right to decide their own destiny. Autonomous regions, prefectures and counties were set up according to the population density of minority nationalities with due regard for political, economic and cultural factors. To improve the implementation of that system, the State attached great importance to the training and appointment of minority cadres, who currently numbered nearly 2 million.

46. Prior to the founding of the People's Republic of China, most of the regions inhabited by the minority nationalities had been extremely backward in terms of economic, cultural and social development. Following the founding of the Republic, the State had taken steps to develop their economy and culture and sustained efforts had been made to ensure the common prosperity of all nationalities.

47. The State had adopted a series of policies and measures aimed at bringing into full play the creativity and initiatives of the minority nationalities. In that connection, Tibet and some other backward regions benefited from total exemption from agricultural and animal-husbandry taxes. The State also provided financial and material support and actively developed education and health facilities, culture and science and technology for the minority nationalities.

48. China's basic policy was to protect the freedom of religious belief of all its citizens, including the minority nationalities. Since 1978, considerable funds had been allocated for the restoration of monasteries and temples in the Tibet autonomous region. There were over 1,400 monasteries and other places of worship, with more than 34,000 monks and nuns. In addition, there were sufficient places of worship for Lamaists, Catholics, Christians and members of the Orthodox Eastern Church.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (E/CN.4/1992/52 and 65; E/CN.4/1991/56)

49. Mr. d'ALMEIDA RIBEIRO (Special Rapporteur), introducing his sixth report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1992/52), said that once again it appeared from the information he had received that incidents and governmental actions inconsistent with the provisions of the Declaration continued to take place in most regions of the world. He wished to point out, however, that the situation had improved considerably in Eastern Europe.

50. The phenomenon of religious intolerance continued to exist despite the presence of a number of compulsory international legal norms which guaranteed the right to freedom of thought, conscience and religion. As in his previous reports, he wished to make it clear that the purpose of his mandate was not to designate "guilty parties" or to make any value judgement but rather to contribute to a better understanding of the situation with respect to violations of those freedoms.

51. He welcomed the cooperative approach of most Governments, which had been reflected in the great number of replies he had received to the communications he had addressed to them.

52. In July 1988, he had sent out a questionnaire containing questions of a general nature on national legislation and the practical measures taken to combat religious intolerance. His current report contained a detailed analysis of the replies received. He welcomed in particular the large number of Governments which had expressed an interest in benefiting from the technical services and assistance offered by the Centre for Human Rights.

53. In the past year, he had continued to receive from many sources, governmental and non-governmental, religious and secular, information about incidents and actions incompatible with the Declaration. As in the past, they included the right to have, manifest and practise one's religion or belief. He had noted that, in some countries, a change in religion always had serious consequences and that the situation had deteriorated in a limited number of countries in that respect. Any conflict or armed uprising also tended to hamper the enjoyment of the rights relating to freedom of religion, as had been the case during the Gulf conflict.

54. While expressing concern about the information submitted to him on incidents of religious intolerance and being well aware that the solution to those problems remained a long-term undertaking, he was convinced that all possible courses of action had not been explored, in particular with regard to a constructive dialogue between the members of the various religions throughout the world.

55. Mr. BOITCHENKO (Russian Federation), said that the problem of national minorities had a long and complex history marked by considerable suffering of large and small groups of peoples torn from their homeland and victims of the redrawing of the map of the world as a result of wars.

56. It had therefore been entirely natural that, in 1948, the General Assembly should have expressed deep concern at the fate of minorities in a resolution adopted on the same day as the Universal Declaration of Human Rights and invited the Commission to make a detailed analysis of the problem of minorities.

57. The problem had lost none of its validity. Moreover, together with the destructive processes that had struck the Soviet Union and other States in Europe in the past decade, his delegation had noticed the powerful wave of national consciousness which had been restrained for so many years by force. Unfortunately, it had not always been possible to resolve internal differences

by peaceful means. Unless those differences were resolved equitably, it would be impossible to achieve peace and stability and to speak of devotion to such basic principles as non-discrimination and equality.

58. Russia had inherited a complex situation and its population consisted of nearly 100 nationalities, each with its own specific characteristics, traditions and customs. His Government was aware that it was only through respect for that diversity and a careful attitude towards the distinctive features of even small groups of the population that it would be possible to achieve harmony.

59. In drafting human rights legislation, one of the tasks of the Supreme Council of Russia was to take account of the rights and interests of nationalities. The recently adopted Declaration concerning human rights and freedoms was based on the equality of the rights and freedoms of everyone without distinction as to race, nationality, language, place of residence, religion, belief or other circumstances. The Declaration on the national languages of Russia recognized the linguistic sovereignty of every people and individual.

60. Questions relating to the protection of minorities had become an integral part of the ongoing negotiations with States of the former Republics of the Soviet Union and provisions concerning the protection of minorities had been included in bilateral agreements with those States.

61. While welcoming the fact that the Working Group had concluded the drafting of the Declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, he noted that the text was far from perfect. Nevertheless, it did take account of the standard-setting basis in international law for the protection of minorities i.e. the provisions of article 27 of the International Covenant on Civil and Political Rights. His delegation hoped, therefore, that the Commission would unanimously recommend the adoption of the draft declaration as a minimum body of standards for the protection of the rights of minorities. It also hoped that, following the adoption of the document by the General Assembly, the practice of the implementation of its provisions by States would be taken into account by Mr. Eide, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

62. Mr. MEZZALANA (Italy) said that the need for a body of principles on the delicate question of the rights of persons belonging to national, ethnic, religious and linguistic minorities had become more and more urgent. The dramatic events that had taken place during the past few months confirmed the explosive nature of certain situations, not only within States but also at the international level. Those events showed that the developments related to the progressive satisfaction of the aspirations of individuals to freedom and democracy must be accompanied by adequate protection of minorities.

63. In order to avoid any misunderstanding, it was necessary to keep the status of national minorities clearly distinct from the status of peoples, since only the latter were entitled to exercise peacefully and by way of negotiation the right to self-determination.

64. Minorities were entitled to have their own ethnic, cultural, linguistic and religious identity recognized. Recognition of the different aspects of such identity primarily entailed recognition of the rights of the persons belonging to a national minority. In order to ensure the full exercise of those rights, both local policy and international cooperation measures were needed to protect the existence and identity of minorities.

65. The text submitted by the Working Group was the result of more than 10 years of discussions on all the related issues. The outcome was a well-balanced text which contained a proper solution to both the enjoyment of individual rights by persons belonging to minorities and the question of the protection of minorities as such. Consequently, the draft represented a significant contribution to the development and further implementation of international legislation.

66. In recommending the adoption by consensus of the text, his delegation was convinced that, by so doing, the Commission would make a body of principles available to the international community as a constant reference point and as a guide for States for their action and legislative and administrative practice in that area. Furthermore, the attention devoted to those principles would allow the Commission and the international community as a whole to grant their protection to a most delicate sector, thus helping to remove a serious cause of tension throughout the world.

67. Mr. VELTHEIM (Observer for Finland), speaking on behalf of the delegations of Denmark, Iceland, Norway and Sweden as well as his own, said that minorities were a global phenomenon and there was hardly any country in the world where all the inhabitants belonged to the same race, spoke the same language or shared the same beliefs, cultures or traditions. There was growing concern throughout the world about the increasing problems faced by people belonging to minorities. The current trends of racism, discrimination and xenophobia gave additional cause for alarm. The search for peaceful and constructive solutions within the international human rights system needed to be continued and intensified.

68. The preparation of the draft Declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities had been extensive and difficult for all the participants. Consequently, the Nordic countries welcomed the unanimous adoption of the draft in the Working Group. They regarded its content as a minimum but considered it to be a significant step forward in enhancing the protection of minorities. It was for the Governments to translate its words into action.

69. Article 27 of the International Covenant on Civil and Political Rights was the key provision concerning the protection of minorities in current international law. In the opinion of the Nordic countries, that article implied that States accepted the responsibility of positively assisting minorities to maintain and develop their ethnic, cultural, linguistic or religious identity.

70. With regard to the various efforts under way in the United Nations, the Council of Europe and the Conference on Security and Cooperation in Europe, and among the non-governmental organizations, to find constructive approaches

to various minority situations, the Nordic countries had taken note of the preliminary report on the protection of minorities submitted by the Special Rapporteur, Mr. Eide, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/43).

71. The Nordic countries were happy to see that most of the recent political changes in Europe and the former Soviet Union had taken place in a peaceful manner. Unfortunately, violence had not been entirely avoidable. Intolerance and the all too familiar adverse aspects of nationalism had led to violence and the protection of minority rights was once again of primary importance.

72. Both the Council of Europe and the Conference on Security and Cooperation in Europe had been active in matters relating to minority rights, and notable additions to the provisions of the 1975 Helsinki Concluding Document had been made at Copenhagen in 1990 and in Moscow in 1991. In all contexts, the Nordic countries stressed the need for strict compliance with the principles established by the CSCE regarding minorities. They also took note of the European Community's demand for respect for minority rights as a prerequisite for recognition of new States and deemed it to be of the utmost importance.

73. The Governments of the Nordic countries also hoped that the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities would be followed up by a declaration on the rights of indigenous peoples, and that the Working Group established to prepare that declaration would be able to finish its work by 1993, which the General Assembly had declared to be International Year for the World's Indigenous Peoples.

74. The Nordic countries had also taken note of the proposal made to the Commission on 27 January 1992 by the Under-Secretary-General for Human Rights that a working group be established or a special rapporteur appointed on minorities to assist in identifying problems, promoting dialogue and finding new solutions with a view to resolving conflicts arising from ethnic tensions.

75. In the current period of vulnerability due to profound historical changes, it was to be hoped that the declaration on minority rights would increase understanding and mutual respect between majority populations and minorities.

76. Mr. GROSSE (International Federation of Human Rights) said that his organization had followed closely the lengthy process of preparing the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, within both the Working Group and the Commission, and it hoped that the latter would adopt the draft text. It also welcomed the pragmatic approach pursued by Mr. Eide in carrying out the study of national experience on behalf of the Sub-Commission and his preliminary report on the subject (E/CN.4/Sub.2/1991/43). However, the study was unlikely to be completed in less than two years, at a time when the whole question of minority rights was becoming increasingly urgent.

77. His organization had proposed, in the United Nations and in regional bodies, the establishment of machinery to promote dialogue among States, between minorities and States, and between minorities themselves. Such

machinery should be a flexible one which would be accessible to both Governments and minorities. It welcomed the recent initiatives in that regard within the Council of Europe.

78. Mr. CONDORA (Indian Council of South America) said that his organization was grateful to the Commission for its efforts on behalf of ethnic minorities. The case of Bolivia was an instructive one in that regard: although no precise statistics were available, more than 100 minorities lived in the eastern part of that country, making up a population of more than 100,000 persons. Some groups consisted of less than 1,000 people, others were on the verge of extinction, while others were known simply by name, their whereabouts and even whether they still existed being unknown. The larger populations were constantly threatened by the encroachments of lumbering companies, settlers, ranchers and others interested in the exploitation of the natural resources of the forests.

79. Collective efforts by the indigenous populations of Beni province in 1989 and 1990 to combat the loss of their land and other abuses and violations had met with no satisfactory response from the authorities. The indigenous peoples had accordingly organized a lengthy and arduous march to the capital, La Paz, in the course of which they had drawn support from many other ethnic groups. That march had resulted in the promulgation of a series of decrees for the return of lands to the indigenous peoples of Beni, but that legislation had not been implemented by the Government.

80. The Indian peoples of the Altiplano and the Bolivian valleys were much more numerous, but were also ethnic and linguistic minorities. The Aymaras, with a population of some 1,500,000, represented approximately 24 per cent of the population of Bolivia, and the 2 million Quechuas almost 30 per cent, yet their languages were still not officially recognized by the Government. The promised introduction of bilingual education was still pending.

81. The Indian Council of South America accordingly called on all the international and non-governmental organizations to help the Indian peoples to recover their dignity and achieve effective enjoyment of their rights to develop their own culture, languages and beliefs.

82. Ms. CUEVAS (Commission for the Defence of Human Rights in Central America (CODEHUCA)) said that her organization in Central America regarded human rights, especially the ethnic and cultural dimensions of those rights, as a crucial factor in determining the destiny of the Central American countries. Democracy could not be assured without due respect for the cultural diversity of all the peoples and indigenous communities of the region, in which Governments had to varying extents pursued discriminatory practices and policies which had expropriated the lands of the Indian peoples, imposing private property, deprived them of health and education services, and exploited their natural resources. There had also been indiscriminate devastation by the military.

83. In the case of Guatemala, such policies had been systematic, affecting the human rights of some 5,800,000 people, or 65 per cent of the total population of the country. The counter-insurgency policy of the Guatemalan Government since 1963 amounted virtually to ethnocide, as the reports of

non-governmental organizations had testified. In the first three years of the 1980s alone, 400 villages had been destroyed, 50,000 women had been widowed, and 250,000 children orphaned. Such upheavals had led to mass population movements and thus to cultural uprooting. In addition, conscription for military service was carried out in a discriminatory way and, in its application to the indigenous population, was tantamount to kidnapping.

84. Although the situation in Costa Rica, where the concept of the rule of law prevailed, was much better and an indigenous population of some 25,000 occupied legally a total of 320,000 hectares of land, up to 40 per cent of it was occupied by outsiders, so that many indigenous people relying for subsistence mainly on hunting and fishing found themselves at a great disadvantage. Indigenous peoples suffered from social and economic underprivilege, including an illiteracy rate of between 75 and 80 per cent. The situation regarding the provision of health services was also alarming, and infant mortality stood at a high level.

85. Despite the existence of a National Commission for Indian Affairs (CONAI), an Indigenous Peoples Act and the ratification of ILO Convention No. 107, indigenous people lacked representation in the basic organs of the State and were, indeed, unable to move their residence freely without the permission of CONAI and their local Development Association.

86. The two examples of Guatemala and Costa Rica, in their different ways, showed that human rights violations against the indigenous peoples were institutionalized in Central America. CODEHUCA called on Governments in the area to comply with their international obligations in that regard, in particular by signing and ratifying, if they had yet not done so, ILO Convention 169, and to provide specific information concerning the action they were taking to safeguard the lives and physical integrity of their indigenous citizens as well as their economic, social and cultural rights and their environment.

87. Mr. FATIO (Baha'i International Community) said that members of the very minority groups whom the draft declaration was intended to protect were experiencing intense suffering and anguish in a number of violent conflicts throughout the world. The age was one of great tumult in the relations between minority groups, and between minorities and majorities. As external restraints imposed by Governments relaxed or subsided entirely, it was no surprise that long simmering ethnic antagonisms were erupting, as Bahá'u'lláh, the Prophet-Founder of the Baha'i faith, had foreseen more than a century previously.

88. Although pessimism in the face of such developments was natural, it could pose a serious threat to the work of the Commission and the Working Group on the draft declaration, leading to a paralysis of will which would prevent the standards contained in the declaration from becoming reality. However, in the Baha'i view, such a pessimistic attitude was unwarranted, since the Community regarded the current world confusion and the calamitous condition of human affairs as a phase in an organic process leading ultimately and irresistibly to the unification of the human race in a single social order whose boundaries were those of the planet.

89. Cooperation would emerge from a growing consciousness of the oneness of humanity and would be facilitated by a process of consultation which, however, must be candid and open-minded. Such consultation was possible only when both minorities and majorities renounced their entrenched attitudes of superiority and condescension, their long-standing grievances, however justifiable, and parochial attachments that represented a distortion of the legitimate pride that all groups rightfully felt in their own cultures. The draft declaration, represented an important step towards developing universally accepted guiding principles on which a dynamic social order responsive to the needs of minorities could be founded.

The meeting rose at 12.55 p.m.